

Remarks/Arguments

The foregoing amendments to the claims are of formal nature, and do not add new matter. Claims 119-126, 129-131, 135-145 are pending in this application and are rejected on various grounds. Claims 124 -126, 129-131, 135-138 have been found to be allowable. Claims 119-123 have been canceled without prejudice or disclaimer to claim its subject matter in subsequent continuation or divisional applications. Claim 124 has been amended to remove references to the polypeptide and claim 139 has been amended to recite "(a)n isolated nucleic acid molecule consisting of a fragment of the nucleic acid sequence of SEQ ID NO: 174, or a complement thereof, of at least 20 nucleotides in length that hybridizes under stringent conditions" that more clearly defines what the Applicant considers is the invention. The rejections to the presently pending claims are respectfully traversed.

Claim Rejections – 35 U.S.C. §112, First Paragraph- Enablement

Claims 119-123 and 139-145 are rejected under 35 U.S.C. §112, first paragraph, allegedly because, the specification while being enabling for a nucleic acid encoding a full length PRO830 protein of SEQ ID NO: 175, or a nucleic acid of SEQ ID NO: 174, does not reasonably provide enablement for a nucleic acid of at least 80-99% identity to SEQ ID NO: 174, or a nucleic acid of encoding the polypeptide of SEQ ID NO: 175. The claims were rejected for being overly broad since, allegedly, insufficient guidance was provided as to which nucleic acids encode variant polypeptides which retain the characteristics of PRO830.

Merely to expedite prosecution in this case, claims 119-123 have been canceled without prejudice or disclaimer, and therefore, this rejection is moot for these claims. Further, claim 139 has been amended to recite "(a)n isolated nucleic acid molecule consisting of a fragment of the nucleic acid sequence of SEQ ID NO: 174, or a complement thereof, of at least 20 nucleotides in length that hybridizes under stringent conditions" which is not overly broad and finds sufficient support in the instant specification.

Thus, Applicants believe that these rejections under 35 U.S.C. §112, first paragraph, should be withdrawn.

Claim Rejections – 35 U.S.C. §112, First Paragraph - Written Description

Claims 119-123 and 139-145 are rejected under 35 U.S.C. §112, first paragraph, for failing to comply with the written description requirement.

The cancellation of claims 119-123 without prejudice or disclaimer, renders this rejection moot to these claims. Further, as discussed above, the present amendments to claim 139 render this claim and its dependents compliant with the written description requirements.

Hence, Applicants request that this rejection be withdrawn.

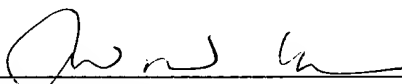
The present application is believed to be in *prima facie* condition for allowance, and an early action to that effect is respectfully solicited.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 08-1641, referencing Attorney's Docket No. 39780-2730 P1C52.

Please direct any calls in connection with this application to the undersigned at the number provided below.

Respectfully submitted,

Date: January 19, 2005

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